

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOHN VACCA, et al.,

Plaintiff,

-against-

ORDER

CV 02-6186 (LDW)(ARL)

THOMPSON ST. PARKING CORP., 43-44
MANAGEMENT,

Defendants.

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LINDSAY, Magistrate Judge:

Before the court, on referral from Judge Wexler, is the plaintiff's motion to compel post-judgment discovery. On June 17, 2003 and July 1, 2003, default judgments were entered by the court in favor of the plaintiff against the defendants 43-44 Management Co. and Thompson St. Parking Corp, respectively. Without explanation for the five year delay, the plaintiff noticed the deposition of Gary Spindler, a principal of both corporations in January 2008. The deposition was not held for another eight months, at which time Mr. Spindler appeared without eight of the fourteen categories of documents subpoenaed. The plaintiff now seeks to compel Mr. Spindler to produce the following documents:

1. his personal tax returns;
2. general ledgers for Thompson Street and bank ledgers for both defendants;
3. personal bank statements;
4. contributions records;
5. records reflecting the directors, shareholders and officers of the defendants;
6. names and addresses of related entities; and
7. trade and business affiliates.

In addition, the plaintiffs contend that Mr. Spindler agreed to provide information concerning the twenty subject areas enumerated in their application, but has not done so. Mr. Spindler has not responded to the application, however, it is unclear whether or not his counsel received notice. The application indicates that counsel was served electronically, but Mr. Rowe is not an attorney of record and did not received an ECF filing.

Accordingly, the motion is denied at this time. Counsel for the plaintiff is directed to contact Mr. Spindler's counsel and provide him with a copy of the application. After counsel have conferred, the plaintiff may resubmit any remaining issues to the undersigned. If plaintiff does resubmit an application, the plaintiff must address the relevancy and compelling need for

Mr. Spindler's personal tax returns and bank statements and why the information sought is not otherwise readily available.

The plaintiff is directed to serve a copy of this order on Mr. Rowe by regular mail.

Dated: Central Islip, New York
December 9, 2008

SO ORDERED:

_____/s/_____
ARLENE R. LINDSAY
United States Magistrate Judge